RECOMMENDING COMMITTEE AGENDA RECOMMENDING COMMITTEE MEETING OF: JULY 16, 2001

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMAN WEEKLY and COUNCILWOMAN McDONALD

Also Present: DEPUTY CITY MANAGER DOUG SELBY, CITY ATTORNEY BRAD JERBIC, CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK DEENY ARAUJO

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations: Downtown Transportation Center, City Clerk's Board Senior Citizens Center, 450 E. Bonanza Road Clark County Government Center, 500 S. Grand Central Pkwy Court Clerk's Bulletin Board, City Hall City Hall Plaza, Posting Board

(4:03)

AGENDA SUMMARY PAGE RECOMMENDING COMMITTEE MEETING OF: JULY 16, 2001

DEPAR	DEPARTMENT: CITY ATTORNEY				
DIRECT	TOR: BRADFORD R. JERE	BIC CONSENT X DISCUSSION			
SUBJE	ECT:				
NEW B					
Rill No	2001-52 - Establishes a list of u	ses that may be permitted in the C-V Zoning District by			
	of special use permit. Sponsored	, 1			
incans (or special use permit. Sponsored	by. Councillian Early Brown			
Figure Import					
	Fiscal Impact				
X	No Impact	Amount:			
	Budget Funds Available	Dept./Division:			
	Augmentation Required	Funding Source:			
	•	•			

PURPOSE/BACKGROUND:

The C-V (Civic) Zoning District allows certain traditional governmental uses as a matter of right. However, the Zoning Code contains no specific treatment of uses allowable in that district by means of special use permit—as was the case with the previous zoning regulations in Title 19. This bill will amend the Zoning Code to list the uses that may be permitted in the C-V District by means of special use permit.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action

BACKUP DOCUMENTATION:

Bill No. 2001-52

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-52 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development Department, indicated that the subject matter was discussed at the previous Council meeting and referred back to the Recommending Committee due to confusion caused by language contained in Section 4, Item 6, as to whether hotels would be permitted in C-V zoning with a special use permit under the proposed bill, and

City of Las Vegas

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 1 – Bill No. 2001-52

MINUTES – Continued:

the underlined language in Item 8 of the same section. He clarified that hotels would not be allowed under this ordinance, even with a special use permit. He stated that the matter is in order and recommended approval.

COUNCILWOMAN McDONALD questioned how this ordinance would apply to civic-use properties that may become commercial, such as in the case of the Fifth Street School, which is anticipated to be redeveloped with coffee shops, boutiques, and other retail uses. MR. GENZER commented that the most likely scenario would be to rezone that property to C-1, depending on what type of retail uses are proposed. Rezoning the property may also require a General Plan Amendment.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:03 - 4:07)



DEPAR	RTMENT: CITY ATTORNEY			
DIRECT	FOR: BRADFORD R. JERE	BIC CONSENT X DISCUSSION	1	
SUBJE				
NEW B	ILL:			
Bill No.	Bill No. 2001-56 – Annexation No. A-0023-00(A) – Property Location: On the south side of			
	11	ast of Cimarron Road; Petitioned By: City of Las Vegas;		
Acreage: 2.65 acres; Zoned: R-E (County Zoning) U (L) (City Equivalent); Sponsored by:				
Councilman Larry Brown				
<u>Fiscal</u>	<u>Impact</u>			
X	No Impact	Amount:		
	Budget Funds Available	Dept./Division:		
	Augmentation Required	Funding Source:		

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property located on the south side of Alexander Road approximately 300 feet east of Cimarron Road. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (JULY 167, 2001) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-56 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-56 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

Note: The correction to the Agenda Summary Page was made subsequent to the Recommending Committee meeting.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill is in order. He noted that the correct final date of annexation should be July 27, 2001, not July 167, 2001, as erroneously indicated under the Purpose/Background portion of the Agenda Summary Page.

City of Las Vegas

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 2 – Bill No. 2001-56

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed. (4:07 - 4:08)



	RESSMINERABILITY SCHMINT FEE INCEPTING ST. 10021 10, 2001				
	DEPARTMENT: CITY ATTORNEY				
DIREC	FOR: BRADFORD R. JERI	IC	CONSENT	X DISCUSSION	
<u>SUBJE</u>	CT:				
NEW B	ILL:				
Bill No.	. 2001-57 – Adopts the Housing I	Element of the Las	s Vegas 2020 N	Master Plan. Proposed	
by: Rol	by: Robert S. Genzer, Director of Planning and Development				
Fiscal	<u>Impact</u>				
X	No Impact	Amount:			
	Budget Funds Available	Dept./Division	:		
	Augmentation Required	Funding Source	ce:		

PURPOSE/BACKGROUND:

Last September the City Council adopted the Las Vegas 2020 Master Plan. At the time of that adoption, the element related to housing was not complete, so the housing element of the previous plan was retained in effect until an updated version could be adopted. This bill will adopt the updated housing element and incorporate it into the Las Vegas 2020 Master Plan.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-57 and Incorporated Housing Element and Housing Element Appendix

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-57 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, indicated that GARY LEOBOLD, Comprehensive Planning Division, would give a brief synopsis of the Housing Element. MR. LEOBOLD commented that the Housing Element is intended to address requirements of state master planning legislation. Staff would like to provide a linking document that would address the requirements of state legislation, which focuses on affordable housing issues, with housing policies, such as infill, re-urbanization of downtown, and downtown housing, that are contained in the recently approved Master Plan. It also outlines some actions that the City can be involved in to implement those policies. He noted that the required self-assessment with regard to the



RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 3 – Bill No. 2001-57

MINUTES – Continued:

recently approved regional plan was completed and it was found that the Element conforms to that plan.

COUNCILMAN WEEKLY questioned whether anything could be done through legislation to protect the integrity of 200- to \$300,000-home neighborhoods and keep manufactured homes out. MR. LEOBOLD responded that it is difficult for City staff because they have to follow federal mandates. The best way of controlling that type of issue would be for the residents to form a neighborhood association and put rules in place to address those concerns through design.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:08 - 4:11)



DEPARTMENT: CITY ATTORNEY		
DIRECTOR: BRADFORD R. JER	BIC CONSENT X DISCUSSION	
SUBJECT:		
NEW BILL:		
1 1	t agreement with Triad Development, LLC for the	
1 1 2	nmerlin Village Center Area. Proposed by: Robert S.	
Genzer, Director of Planning and Development		
<u>Fiscal Impact</u>		
X No Impact	Amount:	
Budget Funds Available	Dept./Division:	
Augmentation Required	Funding Source:	

PURPOSE/BACKGROUND:

Last February the City Council approved a development agreement with Triad Development, LLC for the development of property within the Summerlin Village Center Area. Pursuant to State law, such an agreement must be adopted by ordinance. This bill will accomplish that adoption.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-59 and Incorporated Copy of Development Agreement

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-59 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that this is a housekeeping item. In February of this year, the City Council approved a development agreement with Triad Development, LLC, which requires adoption through ordinance to be recorded.

City of Las Vegas

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 4 – Bill No. 2001-59

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:11 - 4:12)



DEPARTMENT: CITY ATTORNEY DIRECTOR: BRADFORD R. JERI	BIC CONSENT X DISCUSSION		
SUBJECT: NEW BILL:			
Bill No. 2001-61 – Creates a new misdemeanor crime for individuals who sell drug paraphernalia in the City of Las Vegas. Sponsored by: Mayor Oscar Goodman			
Fiscal Impact			
X No Impact	Amount:		
Budget Funds Available	Dept./Division:		
Augmentation Required	Funding Source:		
PURPOSE/BACKGROUND:			

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-61

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-61 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the intent of this bill is to give the City of Las Vegas and the Las Vegas Metropolitan Police Department (Metro) an option for enforcement and prosecution of those individuals who sell drug paraphernalia in the City. Sometimes the resources are not available to go forward at the felony level; therefore, the City could seek a misdemeanor conviction.

COUNCILWOMAN McDONALD questioned whether Metro would be less likely to enforce it given the misdemeanor characterization and whether City marshals would be able to enforce it. CITY ATTORNEY JERBIC indicated that the marshals only have authority on City property. Metro would have an additional enforcement tool that they would be more than willing to use.

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 5 – Bill No. 2001-61

MINUTES – Continued:

Currently there are several crimes that can be either misdemeanors or felonies and in many cases the felonies will be reduced to misdemeanors because quicker results can be obtained and sometimes with longer jail times.

COUNCILWOMAN McDONALD asked CITY ATTORNEY JERBIC if he felt he has the manpower/resources to deal with these cases and whether Municipal Court might be overburdened and then forced to throw out these types of cases. CITY ATTORNEY JERBIC answered that the maximum number of cases that could be added to his already busy caseload is 500, which he felt his staff could handle.

JUANITA CLARK asked if this bill ordinance would address the large glass containers that are made available at tattoo parlors, specifically the one located at Meadows Lane and Decatur Road. CITY ATTORNEY JERBIC replied that in all cases, the burden would be to show that the person selling the container reasonably knew that it would be used for the ingesting of drugs. There is a unique type of drug paraphernalia that the City Council was exposed to at the last two Council meetings where people actually manufacture, in addition to selling, the devices to be used for drug paraphernalia, which makes it easier to prosecute. He noted that with as many cases as Metro and the District Attorney's office handle, they put paraphernalia cases at the bottom. COUNCILWOMAN McDONALD pointed out that she recently viewed a commercial for Diversity Tattoo that displayed some of the pipes they offer, which was obvious to her how some of those pipes are used, but it would be difficult to challenge that.

RENN REED suggested approaching the wholesalers of those items that are considered to contribute to drug paraphernalia, not just the sellers. She felt this would address the problem on a broader and more direct basis. CITY ATTORNEY JERBIC stated that if they are found to be knowingly contributing, they could be prosecuted as well.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:12 - 4:21)

AGENDA SUMMARY PAGE RECOMMENDING COMMITTEE MEETING OF: JULY 16, 2001

DEPAR	DEPARTMENT: CITY ATTORNEY				
DIRECT	TOR: BRADFORD R. JERE	BIC CONSENT	X DISCUSSION		
SUBJE					
NEW B	ILL:				
Bill No. 2001-62 – Readopts LVMC 10.02.010 to make all State misdemeanors likewise City misdemeanors. Proposed by: Bradford R. Jerbic, City Attorney					
<u>Fiscal</u>	Fiscal Impact				
X	No Impact	Amount:			
	Budget Funds Available	Dept./Division:			
	Augmentation Required	Funding Source:			

PURPOSE/BACKGROUND:

Pursuant to LVMC 10.02.010, any offense that constitutes a misdemeanor under State law is also a misdemeanor under City law if it is committed within the corporate boundaries of the City. This permits prosecution of such an offense in Municipal Court. In order to assure that LVMC 10.02.010 is interpreted to incorporate State-law changes made during the 71st Session of the Nevada Legislature, LVMC 10.02.010 should be readopted. This bill will accomplish that objective.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-62

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-62 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CITY ATTORNEY JERBIC stated that this is a routine item. After every legislative session there are new misdemeanors adopted at the state level that only become enforceable misdemeanors at the City level with the adoption of this type of ordinance. He recommended approval.

City of Las Vegas

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 6 – Bill No. 2001-62

MINUTES – Continued:

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:21 - 4:22)

AGENDA SUMMARY PAGE PECOMMENDING COMMITTEE MEETING OF: IIII V 16, 2001

	RECOMMENDING COM	IAILL LEE IAIEELII	16 01 . 30L1	10, 2001
DEPAR	RTMENT: CITY ATTORNEY			
DIRECT	OR: BRADFORD R. JERI	ВІС	CONSENT	X DISCUSSION
_				
<u>SUBJE</u>				
NEW B	ILL:			
Bill No.	2001-63 – Annexation No. A-00)21-01(A) – Proper	rty Location: S	outh of Lone
Mountai	in Road, between Balsam Street	and Rainbow Boule	evard; Petitione	ed By: City of Las
Vegas;	Acreage: 2.39 acres; Zoned: R-I	E (County Zoning)	U (PR) (City F	Equivalent); Sponsored
by: Councilman Michael Mack				
<u>Fiscal</u>	<u>Impact</u>			
X	No Impact	Amount:		
	Budget Funds Available	Dept./Division:		
	Augmentation Required	Funding Sourc	e:	
DUDDOSE/DACKODOUND.				
PURPOSE/BACKGROUND:				

The proposed ordinance annexes certain real property generally located south of Lone Mountain Road, between Balsam Street and Rainbow Boulevard. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (August 10, 2001) is set by this ordinance.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-63 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-63 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the bill was in order.

No one appeared in opposition.

City of Las Vegas

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 7 – Bill No. 2001-63

MINUTES – Continued:

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:22)



DIRECTOR: SUBJECT:	CITY ATTORNEY BRADFORD R. JERB	IC CONSENT	X DISCUSSION
SUBJECT:	BRADFORD R. JERB	IC CONSENT	X DISCUSSION
A TENTE I DITE			
NEW BILL:			
		-	dy repair shops in the
C-2 Zoning District. Sponsored by: Councilman Larry Brown			
= ' 11 4			
<u>Fiscal Impact</u>			
X No Impac	ct .	Amount:	
Budget F	Funds Available	Dept./Division:	
Augment	tation Required	Funding Source:	
C-2 Zoning District Fiscal Impact X No Impact Budget F	ct. Sponsored by: Cour ct Funds Available	Amount: Dept./Division:	dy repair shops in the

PURPOSE/BACKGROUND:

Auto paint and body repair shops currently are allowed in the C-2 Zoning District by means of special use permit, but only in conjunction with a car dealership. It appears that "stand-alone" paint and body shops might also be appropriately allowed by special use permit, if certain minimum standards are met. This bill will accomplish that change.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-64

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-64 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, advised that presently auto paint and body repair shops are only allowed in a C-2 zone by means of a special use permit, if they are in conjunction with a car dealership. This bill would allow that use to stand alone under certain circumstances. He stated that the bill was in order.

No one appeared in opposition.

City of Las Vegas

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 8 – Bill No. 2001-64

MINUTES – Continued:

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:22-4:23)



			,		
DEPARTMENT: O	CITY ATTORNEY BRADFORD R. JERBIC	CONSENT	X DISCUSSION		
SUBJECT:					
	NEW BILL: Bill No. 2001-65 – Increases the on-site parking requirements for general retail centers of less				
than 25,000 square feet. Proposed by: Robert S. Genzer, Director of Planning and Development					
Fiscal Impact					
X No Impac	t Amo	ınt:			
Budget F	unds Available Dept	/Division:			
Augment	ation Required Fund	ing Source:			

PURPOSE/BACKGROUND:

General retail centers such as shopping centers currently are required to provide at least one onsite parking space for each 250 square feet of gross floor area. It turns out that smaller retail centers tend to be deficient in parking because of the way that development and leasing occurs. This bill will remedy that situation by requiring retail centers of less than 25,000 square feet to provide one parking space for each 175 square feet of gross floor area.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-65

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-65 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, explained that staff is finding that smaller retail centers often lease space to small restaurants or beauty shops that have a much larger parking demand than other type of uses. As a result, there is a retail center that is going through the variance process because one of the businesses that leased space is taking up all of the parking for the center. Consequently, licenses cannot be signed off for any of the other three spaces. This bill will require retail centers of less than 25,000 square feet to provide one parking space for each 175 square feet of gross floor area. He stated that the matter was in order.

No one appeared in opposition.

City of Las Vegas

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 9 – Bill No. 2001-65

MINUTES – Continued:

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:23-4:25)



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DEPAR	RTMENT: CITY ATTORNEY			
DIRECT	TOR: BRADFORD R. JERE	BIC CONSENT X DISCUSSION		
_				
<u>SUBJE</u>				
NEW B	SILL:			
	S	Code to require the submittal of a cross section in		
connection with the development of sites with a natural grade over 4%. Sponsored by:				
Councilwoman Lynette Boggs McDonald				
Fiscal Impact				
X	No Impact	Amount:		
	Budget Funds Available	Dept./Division:		
	Augmentation Required	Funding Source:		
		3		

PURPOSE/BACKGROUND:

This bill will require the submittal of a cross section in connection with the development of sites with a natural grade over 4%. The submittal of the cross section during the application process will allow the Planning and Development Department and the Department of Public Works the opportunity to address concerns associated with any grade alterations that are proposed in connection with the development.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-66

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-66 be held in ABEYANCE to the 7/30/2001 Recommending Committee meeting. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, felt that the item is necessary, as the City continues to grow westerly and has to deal with some of the grade changes in that area. At the present time, Title 19-A does not require applications to include cross sections for proposed changes to grade, which could result in a situation where one of the subdivisions can be significantly higher in the case of back-to-back subdivisions. Title 18, Subdivision Code,

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 10 – Bill No. 2001-66

MINUTES – Continued:

requires grade information on a tentative map; however, staff feels that the tentative map stage is often too late. He recommended approval of this bill, which requires the submittal of a cross section in connection with the initial application for any site that has a natural grade over 4%.

MICKY JOHNSON, National Association of Industrial and Office Properties, indicated that, in speaking with some of the engineers, this is a very big problem for commercial developers. Primarily because they are obligated by NRS to submit one-lot commercial subdivision maps. State law was written this way because commercial sub-dividers are not aware of what is going to be on the site at the time the property is being purchased, putting together the financing, and putting in the infrastructure and so that the pads could be broken up as users were brought into the site. Residential subdivision developers have to show the subdivided lots in the very beginning. She offered her support, if the language could be changed to include only residential development sites instead of development sites in general.

GREG PATCH, G.C. Wallace, stated that the language regarding the 4% grade is too vague because it does not indicated when the rule should be applied, citing the example that a development could have a small slope at the end of the property that could exceed 4% yet the majority of the property is flat. He suggested changing the language to require 4% rule apply where 50% of the site exceeds 4%.

However, with regard to the commercial arena, MR. PATCH indicated that the commercial subdivision maps are conceptual cartoons that could change; therefore, he questioned whether a change in the grade would cause the developer to lose the zoning and require re-application.

COUNCILWOMAN McDONALD asked how many other jurisdictions in the Valley currently have this requirement. MR. GENZER replied that three of the jurisdictions in the Valley have some type of ordinance dealing with natural grade requiring changes to the grade prior to the tentative subdivision map process. However, he was not familiar with the exact language. COUNCILWOMAN McDONALD indicated that she would like to know when the 4% rule is applied. MR. GENZER suggested holding the matter in abeyance to the next Recommending Committee to try and resolve the issues that were brought up.

COUNCILWOMAN McDONALD noted that Planning and Public Works staff needs more information to be able to better guide future development. It is better to know up front what the grade level will be. Because there have been cases in Ward 2 where the grading elevations severely increased as development occurred westerly. She no longer wants any surprises, especially in circumstances where commercial abuts residential. She supported abeyance in order to tighten up the language, not to take away the intent.

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 10 – Bill No. 2001-66

MINUTES – Continued:

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:25-4:35)

AGENDA SUMMARY PAGE RECOMMENDING COMMITTEE MEETING OF: JULY 16, 2001		
DEPARTMENT: CITY ATTORNEY DIRECTOR: BRADFORD R. JERBIC CONSENT X DISCUSSION		
SUBJECT: NEW BILL:		
Bill No. 2001-67 – Repeals LVMC Title 19, related to zoning. Proposed by: Bradford R. Jerbic, City Attorney		
Fiscal Impact		
X No Impact Amount:		
Budget Funds Available Dept./Division:		
Augmentation Required Funding Source:		
PURPOSE/BACKGROUND:		
Several years ago, Title 19A was adopted so as to include most of the City's zoning and related regulations. Title 19 was retained in force to provide "gap" coverage for any provisions that might inadvertently be left out of Title 19A. Those items have now been identified and included in Title 19A. This bill will repeal Title 19, which is no longer necessary.		
RECOMMENDATION:		
This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.		
Bill No. 2001-67		
COMMITTEE RECOMMENDATION: COUNCILWOMAN McDONALD recommended Bill 2001-67 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.		

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CITY ATTORNEY JERBIC stated that Title 19-A supplemented Title 19 several years ago; however, both were in effect until it was ascertained that Title 19-A covered everything.

No one appeared in opposition.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:35-4:36)

AGENDA SUMMARY PAGE RECOMMENDING COMMITTEE MEETING OF: JULY 16, 2001

DEPAR DIRECT	RTMENT: CITY ATTORNEY TOR: BRADFORD R. JERE	BIC CONSENT X DISCUSSION			
	SUBJECT: NEW BILL:				
Bill No. 2001-68 – Reduces to thirty-five percent the amount of adult inventory necessary to classify a bookstore as an adult bookstore and an adult emporium as a sexually oriented business. Sponsored by: Councilwoman Lynette Boggs McDonald					
Fiscal Impact					
X	No Impact	Amount:			
	Budget Funds Available	Dept./Division:			
	Augmentation Required	Funding Source:			

PURPOSE/BACKGROUND:

The Zoning Code presently treats an adult emporium as a sexually oriented business for locational purposes. The term "adult emporium" includes bookstores, video stores and other outlets whose inventory is made up of at least 51% adult material. This bill will reduce that threshold amount to 35%. The bill will also make a parallel adjustment in the definition of "adult bookstore" in the licensing regulations.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-68

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-68 be forwarded to the 8/9/2001 Planning Commission for consideration and Held in ABEYANCE to the 8/13/2001 Recommending Committee meeting. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CITY ATTORNEY JERBIC advised that the subject bill makes changes to language contained in both Title 6 and Title 19-A. The law requires that any proposed bill that would make a change to

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 12 – Bill No. 2001-68

MINUTES – Continued:

the zoning code must be submitted to the Planning Commission. However, due to an oversight on his part, it was not sent to the Planning Commission. He recommended the bill not be published and that it be forwarded to the Planning Commission and then scheduled for the Recommending Committee. ROBERT GENZER, Director, Planning and Development, stated that it could be scheduled for the 8/9/2001 Planning Commission meeting.

LEE HAYNES alleged that the Hot Stuff issue is not dead yet, because a gentleman by the name of MARK CARRIER who is a multi-millionaire has been granted immunity by the FBI in exchange for information on other people in the porno business. On July 5, 2001, MR. CARRIER was granted a license to operate a bookstore at 5104 West Charleston Boulevard and residents in the area have observed merchandise being taken from 5100 West Charleston Boulevard into 5104 West Charleston. MR. CARRIER owns approximately 175 porno shops across the country, which are causing a lot of problems. MR. HAYNES fears that MR. CARRIER might be grandfathered in if this bill is not passed soon and because Business Services does not require the business license application be signed under penalty of perjury. Therefore, he urged the City not to postpone the bill any longer than necessary.

On behalf of DEBBIE TAYLOR with the Porn Only in Zone (POIZ) group, MAE CLARK, aka JUANITA, read two letters, one of which she submitted for the record about the Financial Accounting Standards Board. The other letter contained the following additional suggested considerations: 1) CLV ordinance for signing under pains and penalty of perjury included on business license application; 2) change 35% to 33%; 3) alcohol not permitted; 4) paraphernalia allowed only in industrial zones; 5) definition of miscellaneous on receipts for purchases from adult bookstores and emporiums; 6) display square footage stated; 7) the national financial accounting standards board accounting practices needs to be referenced; and 8) enforcement offices for zoning criteria and licensing requirements are not mentioned.

COUNCILWOMAN McDONALD asked JIM DiFIORE, Manager, Business Services, to review how Business Services goes through an inventory analysis and the standards and procedures utilized. MR. DiFIORE indicated that periodic inventory audits are conducted on businesses that border on the line of being sexually oriented. Included in the inventory is a one-to-one count of each item listed for sale as well as a request for records of all sales made within a given period of time of the audit, including retail prices and wholesale costs. Staff also measures the area where the inventory is placed within the business. After the results of the audit, staff determines whether or not there are any violations of the current code, and then forwards it to the City Attorney. He noted that in at least two audits over the past year, staff found them to be right under the 51% mark.

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 12 – Bill No. 2001-68

MINUTES – Continued:

DAWNA ASHJIAN asked if businesses are advised in advance about the audit. MR. DiFIORE answered that businesses are notified in advance that they will be required to avail their books and records within a 72-hour period of time. However, as part of the investigative methods, staff has documentation on the inventory at the property so that staff knows in advance if any changes have been made.

JUNE INGRAM, Charleston Neighborhood Preservation Association and POIZ, read a letter stating that Bill 2001-68 needs to be adopted for the protection of zoning and licensing standards for the community. The Charleston Neighborhood Preservation Association prefers to keep sexually oriented shops and emporiums in zones that are already provided by law and not in residential areas through the abuse of laws. The letter also posed the following questions: 1) does the bill incorporate into the zoning and licensing codes; 2) has the "buy one get one free" been addressed; 3) has enforcement been referenced; 4) has failure to report sales been addressed, 5) what happens if a business fails to provide; 6) has the issue of merchandise being categorized as miscellaneous sales been addressed; 7) is unrecorded gross revenue addressed; 8) is notification to residents about new adult businesses in the neighborhood addressed; and 9) can the property owner be held liable for renting to a sexually oriented business.

CITY ATTORNEY JERBIC indicated that Section Three on Page 3 of the proposed bill addresses the changes to Title 19-A and makes the same statistical changes from 51% to 35%, as was done in Title 6.

MS. INGRAM asked MR. JERBIC if the issue of selling merchandise as miscellaneous items has been addressed in the bill. CITY ATTORNEY JERBIC answered that, as MR. DiFIORE explained, staff's method of taking inventory makes those types of thing irrelevant, because the licensing officers physically go in and count the merchandise no matter what the receipt says.

MS. INGRAM asked if a property owner could rent to anybody. CITY ATTORNEY JERBIC replied that the only restriction is on the use going in. The use has to be consistent with the zoning requirements. The operator of the business would then be held responsible, not the property owner.

Lastly, MS. INGRAM questioned why zone and license enforcement is not referenced in the bill. COUNCILWOMAN McDONALD indicated that the bill makes reference to Title 19-A in Section 3.

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 12 – Bill No. 2001-68

MINUTES – Continued:

RENN REED questioned why there is a lack of coordination among the City Council, Planning Commission, Business Licensing, and Planning and Development as far as designating certain areas of the City for uses such as pawnshops, adult businesses, etc. COUNCILWOMAN McDONALD indicated that she sponsored this bill to provide licensing officers an enforcement tool. MS. REED supported that, but wondered why, for example, pawnshops are scattered all over the City. There should be areas, or regions within the City for these types of uses. MR. HAYNES pointed out that it is the separation requirement that is driving sexually oriented businesses into the neighborhoods. MR. GENZER stated that the distance separation from a sexually oriented business to any protected business, such as a church, childcare facility, etc., is 1,000 feet and will remain the same.

RICHARD SEIZER, Nevada Concerned Citizens, expressed his support of the bill.

MR. HAYNES interjected that there are other elements, besides square footage of inventory, for defining a sexually oriented business. He urged the City to enforce all the laws that apply to sexually oriented businesses.

MS. INGRAM asked if residents would be notified if a sexually oriented business made application for an establishment in a neighborhood. CITY ATTORNEY JERBIC answered that legally sexually oriented businesses are not permitted in neighborhoods, so residents would not receive notice. Notification goes with the zoning, not with a specific use on a particular site.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:36-5:09)

AGENDA SUMMARY PAGE RECOMMENDING COMMITTEE MEETING OF: JULY 16, 2001

DEPARTMENT: CITY ATTORNEY DIRECTOR: BRADFORD R. JER	BIC CONSENT X DISCUSSION
SUBJECT: NEW BILL:	
Bill No. 2001-69 – Repeals LVMC Chapter 2.51, relating to ethics. Sponsored by: Councilwoman Lynette Boggs McDonald	
Fiscal Impact	
X No Impact	Amount:
Budget Funds Available	Dept./Division:
Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

This bill would repeal LVMC Chapter 2.51, relating to ethics. Under this proposal, State law would govern ethics matters in the future.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2001-69

COMMITTEE RECOMMENDATION:

COUNCILWOMAN McDONALD recommended Bill 2001-69 be forwarded to the Full Council with no recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

COUNCILWOMAN McDONALD said that for some time she has wanted to make modifications to Las Vegas Municipal Code, Chapter 2.51. She introduced both bills 2001-69 and 2001-70 because she believes that the City Council needs to make a major reform to the existing language or throw it out. Too often Chapter 2.51 has been used as a unwitting tool to taint elected officials' reputations. But it was not until she went through the process did she become familiar with some of the due process challenges.

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 13 – Bill No. 2001-69

MINUTES – Continued:

With the repeal of Chapter 2.51, through Bill No. 2001-69, she reviewed the following suggested modifications to Bill No. 2001-70: 1) the Mayor would be able to appoint the Ethics Review Board members, subject to full ratification of the Full City Council; 2) the chair of the board would be able to appoint a panel to determine whether just or sufficient cause exists to forward the complaint to the full Ethics Review Board; 3) additional written evidence in support of a complaint must be included; 4) if the review panel finds that there is no written evidence to support a complaint, that complaint shall be dismissed; 5) if the board finds that a complaint of similar facts has been filed in another jurisdiction, the City of Las Vegas would waive that complaint to that other jurisdiction; 6) the person filing the complaint must attend the hearings; 7) the chairperson shall have the authority to issue subpoenas to compel the attendance of witnesses and to require the production of documents; 8) if the witness refuses to attend, testify, or produce documents, as required by the subpoena, the Ethics Review Board may petition a court to order the witness to comply; 9) if a frivolous complaint is made, the Board would have the authority to fine up to \$1,000; and 10) any person filing a complaint with the City Ethics Review Board must be a resident of the City of Las Vegas.

CHIEF DEPUTY CITY ATTORNEY VAL STEED recommended additional amendments to Bill No. 2001-70. Section 2.51.100(A)(1) should require the name, address, and telephone number of the complainant. The same Section should require that any declaration be made through verification under state law, which is a very formal procedure, or under penalty of perjury. Also, the period for the Ethics Review Board to hear a complaint forwarded by the panel shall start 30 days after the panel forwards the complaint to the Board.

JUANITA CLARK, Charleston Neighborhood Preservation Association, felt that the current standards and procedures provide a fairly level field for citizens to present an ethics concern about an elected official, and that citizens should be able to file a complaint based on information provided in a newspaper article. Otherwise, citizens will only be able to file a complaint based on a problem that happened directly between that citizen and the elected official. The Ethics Board is not a court and only determines whether a complaint should go to court. She did support the requirement that complainants list their personal information, such as name, phone number, and address, and that the accused should be allowed to face the accuser.

COUNCILWOMAN McDONALD advised that the City of Las Vegas is the only local entity that has its own ethics review process, or at least to this level, and in many cases it is duplicitous. The City of Las Vegas has on occasion spent \$22,000 to go through the same identical process as the State of Nevada. The new language would require similar complaints to be forwarded to the State for one hearing on the matter. She really felt it was necessary to make some changes for the protection of fundamental civil liberties of any American Citizen, which is what makes this

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 13 – Bill No. 2001-69

MINUTES – Continued:

country different from other countries. She pointed out that a reporter cannot be put on the witness stand and cross-examined as to the sources utilized. The flaws in the system need to be corrected so that no one else has to undergo the hardship that she went through. MS. CLARK countered that the process currently in place must work because the accusation against COUNCILWOMAN McDONALD was ultimately clarified and she was cleared.

RENN REED sympathized with COUNCILWOMAN McDONALD because she recently went through some problems with her daughter, and it is very difficult to clear one's name. As a journalistic writer, she stated that STEVE MILLER is not an investigative journalist, because a true journalist endeavors to get the facts straight. However, she agrees with MS. CLARK that there is a need for a level playing field, because the constituents do not have the luxury of calling the shots. And given the busy load of the State, it would be better if matters could be handled at the local level. COUNCILWOMAN McDONALD indicated that what happens is that complaints are filed with both jurisdictions at the same time and there is no current provision in State law.

MS. REED suggested postponing the changes until changes could be made at the legislative level and to give citizens the opportunity to be better informed.

LEE HAYNES stated that although he does not reside in the City of Las Vegas, he has filed ethics complaints. He filed a complaint against a member of the Regional Transportation Commission based on information that he thoroughly researched. He agreed that filing a complaint based on a newspaper article is questionable. Lastly, he expressed concern about having to reside in the City of Las Vegas to file an ethics complaint, because City officials sit on regional boards that make decisions that affect the residents of the entire County. He stressed that he wants some real citizens to sit on the State Ethics Board, not just politicians. In fact, he is going to seek a new State Ethics law. Finally, he opined that the City Ethics Review Board should be repealed to avoid duplication and to relieve some of the burden that is placed on the City Attorney's office.

JUNE INGRAM asked who would appoint the panel. COUNCILWOMAN McDONALD answered that the Mayor would make the recommendations, with ratification by the entire City Council. MS. INGRAM noted that the Citizens Review Board is made up of citizens as well as police officers. COUNCILWOMAN McDONALD assured MS. INGRAM that the panel and Ethics Review Board would be made up of civilians, not elected officials. MS. REED opined that a different approach should be taken in appointing members to the Ethics Review Board to avoid any conflict and because the individuals on that board should represent the local citizenry.

RECOMMENDING COMMITTEE MEETING OF JULY 16, 2001 City Attorney Item 13 – Bill No. 2001-69

MINUTES – Continued:

COUNCILWOMAN McDONALD commented that she put both bills out so that there could be extensive discussion among the citizens as well as the members of Council as to which option would be better. There are two options available, either repeal the board altogether, or keep it and have major reforms to ensure due process. As far as the appointment process, she is open to suggestions; each member of the Council could make a recommendation to be ratified by the entire Council or make an appointment to run coterminous with their term of office.

An UNIDENTIFIED FEMALE asked if complainants would have to go to Carson City to file a complaint. COUNCILWOMAN McDONALD answered that under proposed Bill No. 2001-70 some complaints would have to be filed with the State. If a non-resident chose to file a complaint, that person would have to either file with the State or District Court, depending on the allegation. In the case of a resident filing a complaint, the City Ethics Review Board would waive the complaint to the State if the same complaint were being filed with various jurisdictions.

MR. HAYNES asked if the laws governing ethics boards include a whistleblower clause to protect complainants. COUNCILWOMAN McDONALD replied that the City has whistleblower clauses in the ethics laws to protect employees. CITY ATTORNEY JERBIC interjected that the State has very similar language in its code. In his experience, he has never seen an ethics board bend over backwards to defend an accused, nor bend over backwards to go after an accused. If an ethics board wanted to find a citizen in violation of filing a vexatious complaint, there would have to be facts to support that.

MS. INGRAM submitted a document pertaining to Bill Nos. 2001-69 and 70 stating that the current ethics rules are fair and should remain in effect.

There was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(5:09 - 5:47)



DEPARTMENT: CITY ATTORNEY		
DIRECTOR: BRADFORD R. JERBIC CONSENT X DISCUSSION		
SUBJECT: NEW BILL: Bill No. 2001-70 – Amends LVMC Chapter 2.51 to revise the standards and procedures relating to ethics complaints. Sponsored by: Councilwoman Lynette Boggs McDonald		
Fiscal Impact		
X No Impact Amount:		
Budget Funds Available Dept./Division:		
Augmentation Required Funding Source:		
PURPOSE/BACKGROUND: This bill would amend LVMC Chapter 2.51 to revise the standards and procedures relating to ethics complaints. RECOMMENDATION: This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.		
Bill No. 2001-70		
COMMITTEE RECOMMENDATION: COUNCILWOMAN McDONALD recommended Bill 2001-70 be forwarded to the Full Council as a First Amendment and with no recommendation. COUNCILMAN WEEKLY concurred.		
MINUTES: COUNCILMAN WEEKLY declared the Public Hearing open.		
NOTE: All discussion was held under related Item No. 13 (Bill No. 2001-69).		
COUNCILMAN WEEKLY declared the Public Hearing closed. (5:09 – 5:47)		

1-2420/2-1

RECOMMENDING COMMITTEE AGENDA RECOMMENDING COMMITTEE MEETING OF: JULY 16, 2001

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

LEE HAYNES congratulated the City Council for the job that it has been doing to stop some of the obvious violations in the various wards, particularly COUNCILMAN WEEKLY for confronting some of the very difficult issues in Ward 5, such as the homeless and the drug paraphernalia.

(5:47 – 5:49) **2-436**

THE MEETING ADJOURNED AT 5:49 P.M.

Respectfully submitted:

DEENY ARAUJO

July 30, 2001